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5 Attorneys for Specially Appearing for

6 Third-Party Defendants, ASIA PACIFIC OIL &

GAS LTD., a Seychelles Islands entity,

7 AMIRZHAN JAKISHEV, and ADILZHAN DZHAKISHEV

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10
11 KAZENERCOM TOO; ET AL.,

12 Plaintiffs,

13 v.

14 TURAN PETROLEUM, INC.; ET AL.,

15 Defendants.

16 TURAN PETROLEUM, INC.,

17 Defendant and Counterclaimant,

18 v.

19 YERKIN BEKTAYEV and KANET
20 MEIRMANOV,

Plaintiffs and Counterdefendant.

21 TURAN PETROLEUM, INC.,

22 Defendant and Third-Party Plaintiff,

23 v.

24 WELLS FARGO, N.A., YERKIN AKKUZOV,
25 SABIRGAN DUHALIEV, IGOR MAXIMOV,

26 Defendants in Third-Party Complaint.

27 YERKIN BEKTAYEV and KANET
28 MEIRMANOV,

) CASE NO. 08:09cv00059-JVS

) Assigned for All Purposes to:

) Hon. James V. Selna

) Dept: 10C

) Date Action Filed: January 14, 2009

) Trial Date: None Set

) **DECLARATION OF AMIRZHAN JAKISHEV**
) **IN SUPPORT OF THIRD-PARTY**
) **DEFENDANTS' MOTION TO DISMISS**
) **AMENDED THIRD-PARTY COMPLAINT**

) [Filed concurrently with: [Proposed] Order;
) Motion to Dismiss; Declarations of Adilzhan
) Dzhakishev and Paul A. Hoffman]

) Date: August 31, 2009

) Time: 1:30 p.m.

) Courtroom: 10C

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DECLARATION OF AMIRZHAN JAKISHEV IN SUPPORT OF THIRD-PARTY
DEFENDANTS' MOTION TO DISMISS AMENDED THIRD-PARTY COMPLAINT

1 Counterdefendants and Third-Party)
2 Plaintiffs,)
3 v.)
4 ASIA PACIFIC OIL & GAS LTD. (incorporated)
5 in the Seychells Islands); AMIRGAN)
6 DZHAKISHEV, ADILZHAN DZHAKISHEV,)
7 YURI VANETIK; ROBERT VAN DUREN;)
8 ROBIN BISARYA; OKKE FINANCIAL LTD.;)
9 ALCINA COMPANY CORP., PINGTON)
10 INVESTMENT LTD.; PINE BROOK S.A.;)
11 HINES INVESTMENTS S.A.; ESSEX)
12 MANAGERS LTD.; VARRIAL FINANCIAL)
13 TRADING LTD.; COAST FINANCE LTD.;)
14 FREEMAN FREEMAN SMILEY LLP,)
15 Third-Party Defendants.)
16 _____)

17 I, Amirzhan Jakishev, declare:

18 1. I am a citizen and full-time resident of the nation of Kazakhstan. I have been
19 named a third party defendant in the above action. I make this declaration based on my
20 own knowledge and, if called as a witness, could and would testify competently to the
21 matters stated herein.

22 2. I am informed that third-party plaintiffs Yerkin Bektayev and Kanet Meirmanov
23 ("Plaintiffs") attempted to serve the original Verified Third-Party Complaint in this matter on
24 me by mail or delivery thereof to my former residence, located at 30 Rubinshtein Street,
25 Almaty, Republic of Kazakhstan. I have not resided at that address for at least the past
26 three years. The current residents at the time of the attempted service at the above
27 address are not and never have been my managing or general agents or employees. Nor
28 have they ever been authorized by me to accept service of process for any legal action
against me. At the time of such attempted service, I was not there. Nor were any of the
other third party defendants present at the time of such attempted service.

1 3. I am further informed that Plaintiffs claim that they served the Verified
2 Amended Third-Party Complaint in this matter on me by electronic mail and First Class
3 Mail on or about June 30 and/or July 8, 2009, at the former California residence of my
4 brother, Adilzhan Dzhakishev, located at 33 Skyridge, Newport Coast, California 92657.
5 I never resided at this former residence of my brother. Nor do I have a place of business
6 at my brother's former California residence. Nor was I present at the time of such alleged
7 service.
8

9 4. The residents of 33 Skyridge are not and never have been my managing or
10 general agents or employees. Nor have they ever been authorized by me to accept service
11 of process or any legal action against me. I am unaware if Plaintiffs attempted to serve me
12 by any other means than described above.
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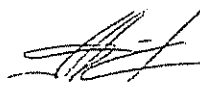
14 5. I have never imported or otherwise distributed any products to consumers in
15 the State of California or anywhere else in the United States. I have never owned or
16 leased any property in California or the United States. Nor have I conducted any
17 advertising or marketing in California or the United States. Nor do I have any registered
18 agents for service of process in the United States. Other than the present special
19 appearance, I have never sought use of the courts within California or elsewhere in the
20 United States. Nor have I been personally served with process or papers for any lawsuit
21 in California or the United States. Nor have I operated a business, operated a web site,
22 or issued press releases in the United States. I have never applied for a loan or opened
23 a bank account in California.
24

25 6. I have never lived in California or the United States. I have vacationed in
26 California once in 2007 and again at the end of 2008 extending to the beginning of 2009.
27 These visits were not related to Plaintiffs' claims in any way. I have lived in Kazakhstan
28

1 all of my life. I have no intention of ever moving to the United States or seeking residence
2 in the United States. I have never conducted or solicited any business in California or the
3 United States.

4
5 7. I am neither the agent nor nominee for Asia Pacific for service of process.
6 Contrary to Plaintiffs' allegations, I have not been involved in any unlawful transfer of
7 Turan's or any other entity's stock, I have not been involved in the receipt of proceeds that
8 originated from California, and I have not knowingly violated any California laws, including
9 the California Uniform Fraudulent Transfer Act, or any other law, or damaged Plaintiffs in
10 any way.

11
12 I declare under penalty of perjury under the laws of the State of California and the
13 United States of America that the foregoing is true and correct. Executed on this 16 day
14 of July, 2009, at Astana, Republic of Kazakhstan.

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17 _____
18 AMIRZHAN JAKISHEV
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